

PROPOSED CONSTITUTIONAL AMENDMENT INCREAS-  
ING SUPREME COURT MEMBERSHIP AND  
AMENDING JUDICIARY ARTICLE

S. J. R. No. 24.]

A JOINT RESOLUTION.

Proposing an amendment of Sections 2, 3, 4, 5, 6, and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system.

*Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That Section 2, 3, 4, 5, 6, and 7 of Article V of the Constitution of the State of Texas, be amended so as to read as follows:

Section 2 (of Article V). The Supreme Court shall consist of a Chief Justice and eight Associate Justices, five of whom shall constitute a quorum, and the concurrence of five Judges shall be necessary to the decision of a case. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election or appointment, a citizen of the United States and of this State, and unless he shall have attained the age of thirty years and shall have been a licensed lawyer for seven years and, during that time, shall have been a practicing lawyer or Judge of a court of record, or such practicing lawyer and judge together. Said Chief Justice and Associate Justices shall be elected by the qualified voters of the State, at a general election, and shall hold their offices six years, or until their successors are elected and qualify, and shall receive such compensation as may be provided by law. In case of a vacancy in the office of Chief Justice or Associate Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The Judges of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and until their successors are elected and qualify. When this amendment takes effect, the Governor shall immediately appoint six additional Associate Justices of the Supreme Court for terms of office so that the terms of two of such appointed Associate Justice shall expire with the term of office of each of the present members of the Supreme Court, and, upon the qualification of such new Justices, the Commission of Appeals of the State of Texas shall terminate.

Sec. 3 (of Article V). The Supreme Court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in the cases in

the Courts of Civil Appeals in which the Judges of any Court of Civil Appeals may disagree or where the several courts of civil appeals may hold differently on the same question of law, or where a statute of the State is held void, and to questions of law arising in such other cases of which the Courts of Civil Appeals have appellate jurisdiction as may be prescribed by law; provided, that the Legislature may authorize direct appeals from the County and District Courts in any case where a statute of the State has been declared void. The Supreme Court and the Judges thereof shall have power to issue writs of habeas corpus as may be prescribed by law; and, under such regulations as may be prescribed by law, the said Court and the Judges thereof may issue the writs of mandamus, procedendo, certiorari, and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified except as against the Governor of the State. The Supreme Court shall also have power, upon affidavit or otherwise, as by the Court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall be open at all times and shall sit at the State Capital for the transaction of business at such times as may be designated by the Court. The present statutes defining the jurisdiction of the Supreme Court not in conflict herewith shall continue in effect until repealed or altered by the Legislature. The Supreme Court shall appoint a Clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said Court for good cause entered of record on the minutes of said Court, and who shall receive such compensation as the Legislature may provide.

Sec. 4 (of Article V). The Court of Criminal Appeals shall consist of three Judges, provided that the Legislature may increase the number to five, and a majority of the Judges shall constitute a quorum, and the concurrence of a majority of the Judges shall be necessary to the decision of any case. Said Judges shall have the same qualifications and receive the same salaries as the Judges of the Supreme Court. They shall be elected by the qualified voters of the State, at a general election, and shall hold their offices for a term of six years. The Judges of the Court of Criminal Appeals who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and laws.

Sec. 5 (of Article V). The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law, and the Legislature may confer original jurisdiction upon it to issue writs of mandamus, procedendo and certiorari in criminal cases. The Court of Criminal Appeals and the Judges

thereof shall have the power to issue the writ of habeas corpus and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have the power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. Said Court shall be open at all times and shall sit at the State Capital for the transaction of business at such times as may be designated by it. Said Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he shall hold his office for four years, unless sooner removed by the Court for good cause entered of record on the minutes of said Court, and said Clerk shall receive such compensation as may be prescribed by law.

Sec. 6 (of Article V). The Legislature shall, from time to time, divide the State into such number of Supreme Judicial Districts as to it may seem necessary, not exceeding twelve at any one time, and shall have the power to re-district the State at any time, and shall establish a Court of Civil Appeals in each of said Districts, which Court shall consist of a Chief Justice and not less than two Associates Justices as the Legislature may provide, who shall have the qualification as herein prescribed for Justices of the Supreme Court, provided that the aggregate number of Judges of all of the Courts of Civil Appeals shall never at one time exceed thirty-six. Each of the existing Courts of Civil Appeals shall continue until otherwise provided by law. The Courts of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law; provided, that the decisions of said Courts shall be conclusive on all questions of facts brought before them on appeal or error. Said Courts of Civil Appeals shall hold their sessions at such places as may be designated by the Legislature and at such times as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective Districts, at a general election, for a term of six years, and shall receive such compensation as may be provided by law. Said Courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a Clerk in the same manner as the Clerk of the Supreme Court, which Clerk shall receive such compensation as may be fixed by law. The Judges of the Courts of Civil Appeals who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

Sec. 7 (of Article V). The State shall be divided into as many Judicial Districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each District there shall be elected by the qualified voters thereof, at

a general election, a Judge, who shall be a citizen of the United States and of this State, who shall have been a licensed lawyer for four years next preceding his election, and during that time shall have been a practicing lawyer or Judge of a Court of record or such practicing lawyer and Judge together, who shall have resided in the District in which he was elected for two years next preceding his election, who shall reside in his District during his term of office, who shall hold his office for the term of four years, and shall receive for his services such compensation as may be prescribed by law. He shall hold the regular terms of his Court at the County seat of each County in his district at least twice in each year, in such manner as may be prescribed by law. The Legislature shall have power, by general or special laws, to authorize the holding of special terms of the court or the holding of more than two terms in any County for the dispatch of business. The Legislature shall also provide for the holding of District Court when the Judge thereof is absent or is, from any cause, disabled or disqualified from presiding. The Supreme Court or the Chief Justice thereof may assign any District Judge to any District in the State other than that for which he was elected, with all the powers of a resident District Judge of the District to which he is assigned, under such regulations as may be prescribed by the Legislature, or by the Supreme Court in the absence of such regulations enacted by the Legislature. The District Judges who may be in office when this amendment takes effect shall hold their offices until their respective term shall expire under their present election or appointment.

SEC. 2. Said proposed amendment shall be submitted to a vote of the electors of this State qualified to vote on constitutional amendments at an election to be held throughout the State on the first Monday in August, A. D. 1927, at which each voter opposing said amendment shall scratch off of the ballot with pen or pencil the following words printed thereon:

"For the amendment to the State Constitution amending Sections 2, 3, 4, 5, 6, and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system;" and each voter favoring said amendment shall scratch off of the ballot in the same manner, the following words printed thereon:

"Against the amendment to the State Constitution amending Section 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system."

If it shall appear from a return of said election that a majority of the votes cast have been cast in favor of said amendment, it shall become a part of the Constitution of the State of Texas.

SEC. 3. The Governor shall issue his proclamation calling said election and have the same published and said election held in accordance with this resolution and the Constitution and laws of this State; and return shall be made and the votes canvassed

and counted as provided by law; and if said amendment is adopted by the required vote of the qualified electors of this State, the Governor shall issue his proclamation as required by law.

SEC. 4. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for publication of the proclamation calling said election and any expense of the State in submitting said amendment and holding said election.

[NOTE.—S. J. R. No. 24 passed the Senate February 18, 1927, 29 ayes, 0 nays; Senate refused to concur in House amendments March 3, 1927; Senate adopted report of Free Conference Committee on March 8, 1927, 26 ayes, 0 nays; passed the House with amendments March 2, 1927, 131 ayes, 2 nays; House adopted report of Free Conference Committee on March 9, 1927, 108 ayes, 7 nays.]

Approved by Governor March 10, 1927.

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#### PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO TAXATION.

H. J. R. No. 25.]

#### HOUSE JOINT RESOLUTION.

Proposing an amendment to the Constitution of the State of Texas amending Article VIII by the insertion of Section 1-a therein, authorizing the Legislature to provide for the separation of the objects of taxation for State purposes and for the support of the counties, districts and political subdivisions of the State and counties, and authorizing the Legislature to provide for the levy of an ad valorem tax or other form of tax for State purposes only, and for local purposes, only; authorizing the Legislature to provide for the classification of objects of taxation and providing that rates shall be equal on the same class of property, and fixing limitations upon taxation.

*Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That Article 8 of the Constitution of the State of Texas be amended by inserting therein Section 1-a, as follows:

Section 1-a. The Legislature may separate the objects of taxation for State purposes from the objects of taxation for the support of the counties, districts and political subdivisions of the State and counties; and may provide for the levy of an ad valorem tax, or other form of tax, on certain classes of taxable property, or other objects, for State purposes only (including school purposes); or upon certain classes of property, or other objects, for county or local purposes only (including school purposes). In no event shall the rate of such taxes exceed the sum of the limits of such taxes fixed by this Constitution for State,